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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,968	02/23/2000	Jay S. Walker	96-082-C1	3686
22927	7590	07/01/2005	EXAMINER	
WALKER DIGITAL FIVE HIGH RIDGE PARK STAMFORD, CT 06905			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/511,968	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 22-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21, and 37-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 02/04/2005 have been fully considered but they are not persuasive.

Claims 19, 20 and 37, Applicant argues "Slezak does not disclose or suggest "information identifying how the product was used in the entertainment program" .

In response, the Examiner respectfully disagrees with Applicant because "information identifying how the product was used in the entertainment program" reads on the "highlighted action" associates with the object, i.e., the truck or the highlighted truck. This "highlighted action" is identified by the system and is displayed along with the associated object (the truck) to the user. Thus, the "highlighted" action associated with an object is an information identifying how the associated object was used in the entertainment program, i.e., interactive or commercial or additional information, see Col. 4, lines 14-20.

For at least the reason set forth above, the rejection is maintained.

### ***Terminal Disclaimer***

The terminal disclaimer filed on 09/27/2004 disclaiming the terminal portion of any patent granted on this has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-21, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (US 6006257).

Claim 19, Slezak does not clearly disclose a terminal coupled to a central controller, to enter product data into the central controller system that allows a viewer to purchase products shown in an entertainment program (read on operator data entry), the terminal comprising means for entering product information relating to a product used in the entertainment program; and means for transmitting to the central controller the product information stored in the local database. However, Slezak discloses wherein the product information includes information identifying how the product information includes information identifying how the product was used in the entertainment program (the "highlighted" action associated with an object is an information identifying how the associated object was used in the entertainment program, i.e., interactive or commercial or additional information; Col. 4, lines 14-20); and a local database storing the product information (secondary information; Fig. 1, el. 524; Fig. 2, el. 38 and Fig. 3, el. 78; Col. 5, lines 10-22; Col. 6, lines 43-45 and Col. 7, lines 34-36);

Because Slezak discloses various programming database that store primary and secondary programming material (product information) in which various subject matters can be defined in relationship to the secondary video programming (product information) and assigned number as a record with the respective timing in the primary video programming (the entertainment program). Therefore, one of ordinary skill in the art would have been obvious to modify Slezak to have a terminal coupled to a central controller (video server 520a of Fig. 1) as a data entry terminal so that a data-entry operator could perform data entry product and product related information, and remotely transmitted to the database that reside remotely from the data entry terminal so to provide to user related addition information of a related product advertisement during the TV program scene as disclosed.

Claim 20, Slezak does not clearly disclose "a method for entering product data and transmitting the product data to a central controller which allows a viewer to purchase products shown in an entertainment program, comprising: Entering product information relating to a product used in the entertainment program: Storing the entered product information; and transmitting the stored product information to the central controller." However, Slezak discloses various programming database that store primary and secondary programming material (product information) in which various subject matters can be defined in relationship to the secondary video programming (product information) and assigned number as a record with the respective timing in the primary video programming (the entertainment program).

Slezak further discloses wherein the product information includes information identifying how the product was used in the entertainment program because the “highlighted” action associated with an object is an information identifying how the associated object was used in the entertainment program, i.e., interactive or commercial or additional information, see Col. 4, lines 14-20;

Because of that disclosure, one of ordinary skill in the art would have been obvious to modify Slezak to have a terminal coupled to a central controller (video server 520a of Fig. 1) as a data entry terminal so that a data-entry operator could perform data entry product and product related information, and remotely transmitted to the central database that reside remotely from the data entry terminal so to provide to user related information of a related product advertisement during the TV program scene as disclosed.

Claim 21, “wherein the step of transmitting comprises the step of:

Remotely transmitting the stored product information to the central controller”.

As discussed in claim 20, the data-entry terminal could be resided at a remote location to the database server. Thus, the entry data must be transmitted to the remote database for storage.

Claim 37, Slezak discloses a method for allowing entertainment program viewers to purchase products shown in an entertainment program (Col. 33-38).

Slezak does not clearly disclose the step of: "Entering product information related to a product used in the entertainment program; Receiving the entered product data; Storing the entered product data in a central database;" However, Slezak discloses "Accessing from the database information about the product used in the entertainment program" (Col. 4, lines 14-19 and Col. 8, lines 32-39). Slezak further discloses various programming database that store primary and secondary programming material (product information) in which various subject matters can be defined in relationship to the secondary video programming (product information) and assigned number as a record with the respective timing in the primary video programming (the entertainment program). Slezak further discloses wherein the product data includes information identifying how the product was used in the entertainment program because the "highlighted" action associated with an object is an information identifying how the associated object was used in the entertainment program, i.e., interactive or commercial or additional information, see Col. 4, lines 14-20;

Because of that disclosure, one of ordinary skill in the art would have been obvious to modify Slezak to have a terminal coupled to a central controller (video server 520a of Fig. 1) as a data entry terminal so that a data-entry operator could perform data entry product and product related information into the local database and remotely transmitted to the central database that reside remotely from the data entry terminal so Slezak system could be performed as disclosed.

Claim 38, limitation “wherein the step of entering product data includes the substeps of: Storing the entered product information in a local database; and remotely transmitting the product information stored in the local database to the central database.” Is further met by Slezak as discussed in claim 37 in which limitation “wherein the product information includes information identifying how the product was used in the program” is further met by Slezak (Col. 4, lines 14-20);

Claim 39, as to “Receiving from the viewer a request about the product shown in the entertainment program, the request containing a subset of the product information;

Identifying the product information in the database using the subset of the product information; and Sending to the viewer the identified information about the product”, it is further obvious over Slezak because the search and retrieval (request/query) of a item/record of a relational database depends on an index related to a product in which the user requests.

Claim 40, wherein the step of accessing includes the substeps of:

Receiving a request from an entertainment program viewer about a product shown in the entertainment program (Col. 4, lines 14-19 and Col. 8, lines 25-38);

As to “Remotely transmitting a query relating to the request; and receiving product information about the product identified in the request”, it is further obvious over Slezak because the search and retrieval (request/query) of a item/record of a



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relational database depends on an index related to a product in which the user requests.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
06/20/2005

  
HAI TRAN  
PRIMARY EXAMINER